

ARMY MATERIEL COMMAND ENVIRONMENTAL LAW PROGRAM

ENVIRONMENTAL LAW SPECIALIST'S DUTIES

SERVING OUR CLIENTS--The AMC Environmental Law Program

- A. STRIVE FOR EXCELLENCE BEYOND THE LEGAL REQUIREMENTS
 - 1. Actively Advance Pollution Prevention
 - 2. Move Beyond the Legal Requirements
 - 3. Promote Environmental Stewardship of Installation Resources
- B. ANTICIPATE LEGAL QUESTIONS AND ISSUES BEFORE THEY ARISE
 - 1. Assure That They Stay Apprised of the Latest Issues in Environmental Law
 - 2. Provide Legal Opinions in Writing if Aware of Issues Before Formally Asked
- C. BE INTIMATELY FAMILIAR WITH THE INSTALLATION
 - 1. Take Periodic Driving and Walking Tours of Installation
 - 2. Actively Walk Construction and Remediation Projects on Installation
 - 3. Have Environmental Staff Call ELS when Investigating Environmental Issues
- D. GO OUT AND SEEK ISSUES/PROVIDE ACTIVE ADVICE
 - 1. Spend 1/2 to 1 day per Week in the Offices of the Environmental Staff
 - 2. Develop Good Relationship with Director and Deputy Director of Public Works
- E. DEVOTE WHATEVER RESOURCES NECESSARY TO ENSURE ENVIRONMENTAL COMPLIANCE, SOUND RESOURCE MANAGEMENT, AND A CONSCIENTIOUS INSTALLATION ENVIRONMENTAL PROGRAM.
 - 1. Ensure that ELS Receives Proper Training on Continuing Basis
 - 2. Allow Full Time ELS Duties if Necessary
 - 3. Elevate Issues Through Legal Channels if Installation Desires to Violate Law

TRAINING

A. MINIMUM REQUIRED TRAINING

1. Air Force Basic Environmental Law Course (or equivalent)
2. Department of Justice Environmental Law Course (or equivalent)

B. CONTINUING LEGAL EDUCATION

1. Air Force Update and Advanced Environmental Law Courses
2. MACOM Environmental Courses
3. Courses Offered by Independent Companies, States, or EPA

COMPLIANCE

A. GENERAL

1. Get Out and See Your Installation
2. Develop Strong Working Relationship with Environmental Staff
3. Share ELD Bulletin and Other Environmental Legal Material with Installation Staffs
4. Develop Good Relationship with Regulatory Attorneys
5. Work with DOD Regional Environmental Centers
6. Respond to Requests for Specific Legal Opinions

B. EMPLOYEE PERFORMANCE ACCOUNTABILITY

1. Develop Appropriate Installation Military and Civilian Employee Environmental Performance Standards
2. Develop Installation Worksite/Employee Monitoring and Inspection Program
3. Assist Employment Law Counsel and Installation Leadership in Determining Appropriate Disciplinary Action for Violations

C. ENVIRONMENTAL COMPLIANCE ASSESSMENT SYSTEM (ECAS)

1. Participate in Audit In-briefing
2. Assist, as needed, in Audit
3. Participate in Audit Out-briefing

4. Review Draft Final Report
5. Assist in Preparation of Installation Response to Findings
6. Assist in Monitoring Deficiency Correction

D. INTERNAL AUDITS

1. Participate in Off-cycle Installation Internal Audits
2. Review Findings with Installation Commander
3. Monitor Correction of Deficiencies

E. ENVIRONMENTAL QUALITY CONTROL COUNCIL

1. Attend Environmental Quality Control Council Meetings
2. Present one *hot issue* at each meeting
3. Cover Environmental Agreement Compliance at Each Meeting
4. Answer EQCC Questions

REGULATORY ENFORCEMENT ACTIONS

A. HAZARDOUS AND SOLID WASTE VIOLATIONS

1. Observe Regulatory Inspections
- 2.. Review Complaint/Notice of Violations
3. Review Validity of Violations
4. Review Proposed Response and Corrective Actions
5. Participate in Settlement Negotiations
6. Review Negotiated Settlements
7. Determine Appropriateness of Penalties
8. Determine Appropriateness of Supplemental Environmental Projects
9. Obtain Environmental Law Division Approval
10. Assist in Monitoring Compliance with Agreements/Orders
11. Assist ELD, or as Authorized, Prosecute any Appeal

B. OTHER MEDIA ENFORCEMENT ACTIONS

1. Review Notices of Non-compliance/Notices of Violation
2. Determine Validity of Non-compliance
3. Review of Proposed Response and Corrective Actions
4. Participate in Negotiations of Compliance Agreements
5. Review Proposed Compliance Agreements

6. Determine Consistency with Army/EPA Policies
7. Obtain Environmental Law Division Approval
8. Assist in Monitoring Compliance with Agreements/Orders
9. Assist ELD, or as Authorized, Prosecute any Appeal

AIR POLLUTION COMPLIANCE

A. TITLE V CLEAN AIR ACT PERMIT

1. Assist in Major Source Determinations
2. Attend Permit Application IPR Meetings
3. Review Federal Requirements
4. Review Permit Application
5. Review Certification of Compliance
6. Review Annual Certifications and Reports

B. GENERAL CONFORMITY DETERMINATIONS

1. Review All Actions for Compliance
2. Review Records of Non-applicability
3. Review Conformity Determinations

C. OZONE DEPLETING SUBSTANCES

1. Assist in Review of Installation Compliance
2. Review Requests for Exception to Not Requiring ODSs

D. ADVISE ON STATE AND LOCAL REQUIREMENTS

WATER POLLUTION COMPLIANCE

A. NPDES PERMITS

1. Assist in Determining All Point Sources are Covered by Applicable Federal and/or State Permits
2. Review any Storm Water Control Plans
3. Review any Best Management Practice Plans

4. Review Monthly Discharge Monitoring Reports that Indicate Violations of Permit Conditions
 5. Assist in Permit Renewal Applications
- B. WETLANDS PROTECTION
1. Assist in Wetlands Determinations
 2. Review any Wetland 404 Permit Applications
- C. NON-POINT SOURCE CONTROL PLANS
1. Review Non-Point Source Control Plans
 2. Review Consistency with State or Area Plans
 3. Review Spill Prevention Plans

HAZARDOUS AND SOLID WASTE COMPLIANCE

- A. HAZARDOUS WASTE PROGRAM
1. Routinely Accompany EC Visits
 2. Respond To Requests for Opinions
 3. Review Part A and B Applications
 4. Review any Permit Modification Requests
 5. Instruct on, and Monitor, Munitions Compliance
 6. Advise on State or Local Requirements
- B. SOLID WASTE COMPLIANCE
1. Review Solid Waste Permit Applications
 2. Advise on Regional Solid Waste Management Programs
 3. Review Installation Recycling Programs and/or Plans

EMERGENCY PREPAREDNESS AND COMMUNITY RIGHT TO KNOW ACT

- A. EMERGENCY PREPAREDNESS
1. Review Extremely Hazardous Substance Notifications
 2. Review Assistance to State and Local Emergency Response Committees
 3. Review Written Notices of Reportable Releases

B. COMMUNITY RIGHT TO KNOW REQUIREMENTS

1. Assist in Preparing Annual Chemical Inventory Report
2. Assist in Determining Requirement for Toxic Release Inventory Reporting
3. Assist in Determining Applicability of Exemptions
4. Review Annual Toxic Release Inventory Report

O **THER ENVIRONMENTAL PROTECTION PROGRAMS**

A. LEAD BASED PAINT REDUCTION

1. Review Installation Lead-based Paint Reduction Plan
2. Participate in Lead-based Paint Committee
3. Review Contracts Which Might Involve Lead-Based Paint Issues
4. Monitor and Advise on State and Local Requirements

B. ASBESTOS CONTROL

1. Review Contracts which Might Involve Asbestos Issues
2. Review Installation Asbestos Management Plan
3. Advise on OSHA and CAA Compliance

C. SAFE DRINKING WATER COMPLIANCE

1. Review Any Non-compliance Monitoring Reports
2. Review Any Public Notices of Non-Compliance to Users

D. POLYCHLORINATED BIPHENALS (PCB) COMPLIANCE

1. Advise on Federal PCB Management Requirements
2. Determine if PCBs Covered by State Hazardous Waste Regulations

E. UNDERGROUND AND ABOVEGROUND STORAGE TANK PROGRAMS

1. Review Closure or Cleanup Plans
2. Review State Concurrence with Completed Closures
3. Review Spill Containment Plans for ASTs
4. Advise on State AST Requirements

NATURAL RESOURCES MANAGEMENT (AR 200-3)

- A. COMPLIANCE WITH ENDANGERED SPECIES ACT
 - 1. Review U.S. Fish & Wildlife Service Coordination Requests
 - 2. Assure Documentation of Informal Consultations
 - 3. Review Biological Assessments
 - 4. Review Endangered Species Management Plans
- B. INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS
 - 1. Participate in Development and Annual Review of Plan
 - 2. Review Fish and Wildlife Cooperative Plan

CCULTURAL RESOURCES MANAGEMENT (AR 200-4)

- A. HISTORICAL PRESERVATION ACT COMPLIANCE
 - 1. Assist in Determining Affect on Historical Properties
 - 2. Review Consultations with State Historic Preservation Office
- B. REVIEW CULTURAL RESOURCES MANAGEMENT PLANS

NEPA COMPLIANCE (AR 200-2)

- A. RECORD OF ENVIRONMENTAL CONSIDERATIONS
 - 1. Review Each Record of Environmental Consideration
 - 2. Coordinate with MACOM on REC which Provides that NEPA Compliance Not Required
 - 3. Coordinate With MACOM on Controversial RECs
- B. ENVIRONMENTAL ASSESSMENTS
 - 1. Review Installation's Proposed Projects to Determine When EA Required
 - 2. Review Each Environmental Assessment

3. Review Findings of No Significant Impact
4. Review Each Revision of all EAs
- C. ENVIRONMENTAL IMPACT STATEMENTS
 1. Review Installation's Proposed Projects to Determine When EIS Required
 2. Review Notice of Intent
 3. Participate in Scoping Meetings
 4. Review Each Revision of all EISs
 5. Review Proposed Records of Decision
- D. INSTALLATION MASTER PLAN
 1. Review all Master Plans for Environmental Considerations
 2. Review Master Plan Supporting NEPA Documentation

ENVIRONMENTAL FEES

- A. CONSISTENCY WITH FEDERAL ENVIRONMENTAL STATUTE
 1. Review Whether Payment Authorized or Considered Improper Tax
 2. Obtain and Review Evidence to Contest Payment
- B. ASSIST IN NEGOTIATIONS WITH STATE REGULATORY AGENCIES

RESTORATION PROGRAM

- A. RESTORATION ADVISORY BOARDS
 1. Advise on Membership
 2. Participate and/or Review Minutes of Meetings
- B. DECISION DOCUMENTS
 1. Review Preliminary Assessment/Site Investigations (PA/SI)
 1. Review Remedial Investigation/Feasibility Studies (RI/FS)
 2. Review Proposed Plans
 3. Review Records of Decision
 4. Review Other Environmental Decision Documents

- C. PARTICIPATE IN DETERMINING RESTORATION PRIORITIES
- D. ASSIST IN OBTAINING EXTENSIONS FOR UNFUNDED PROJECTS

ENVIRONMENTAL PROGRAM FUNDING

- A. 1383 REVIEWS
 - 1. Review All 1383 Submissions--Ensure All Must Funds Properly Identified
 - 2. Verify All Statutory and Regulatory Citations on Forms
- B. PROVIDE JUSTIFICATION FOR LEGAL REQUIREMENTS

POLLUTION PREVENTION

- A. REVIEW FACILITY POLLUTION PREVENTION PLAN
- B. PARTICIPATE IN HAZARDOUS MINIMIZATION COMMITTEES
- C. ADVISE ON REQUIREMENTS OF EO 12856 AND EO 12873

ALTERNATIVE DISPUTE RESOLUTION

- A. ASSIST IN SELECTING ENVIRONMENTAL CASES FOR ADR
- B. ASSIST IN SELECTING APPROPRIATE ADR PROCESS
- C. ASSIST IN MINI-TRIAL OR OTHER ADR PREPARATION

BASE REALIGNMENT AND CLOSURE REQUIREMENTS

- A. REALIGNMENTS
 - 1. Review NEPA Documents

2. Monitor Permit and CAA Compliance
- B. REUSE AND DISPOSAL REQUIREMENTS
1. Review NEPA Documentation
 2. Review Environmental Baseline Surveys and CERFA Reports
 3. Review Findings of Suitability to Lease and Transfer (FOSL/FOST)
 4. Review Reports of Availability (ROA) for Leasing Actions
 5. Review Proposed Transfer and Deed Terms

RREAL ESTATE TRANSACTIONS

- A. PERMITS, LICENSES, AND LEASES
1. Review Proposals for all Real Estate Permits, Licenses, Leases, and Transfers
 2. Ensure NEPA Compliance
 3. Ensure Inclusion of Proper Environmental Protection Provisions
 4. Review all Environmental Baseline Surveys (EBS) and/or Preliminary Assessment Screenings (PAS)
- B. DISPOSALS
1. Review Reports of Excess (ROE)
 2. Ensure NEPA Compliance
 3. Review Other Proposed Statutory Transfers
 4. Review all EBSs, PASs, and Statements of Condition (SOC)
- C. ACQUISITIONS
1. Ensure NEPA Compliance
 2. Review all EBSs, PASs

AACQUISITION REQUIREMENTS

- A. ITEMS CONTAINING RECOVERED MATERIALS
1. Review Contracts for Items Listed in EPA Guidelines for Procurement of Products Containing Recovered Material
 2. Review Requests for Exceptions Not to Purchase Items Required to Contain Recovered Materials

B. ENVIRONMENTALLY PREFERABLE GOODS OR SERVICES

1. Advise on Procedures and Standards for Determining Whether a Product is Considered Environmentally Preferable/Energy Efficient
2. Review Justifications for Preferences to Purchase Environmentally Preferable Goods or Services

WATER RIGHTS

A. DETERMINING EXISTING WATER RIGHTS

1. Assist Engineer in Documenting Existing Rights
2. Advise on Disputed or Questionable Rights

B. MONITORING EXISTING RIGHTS

1. Advise on Any Encroachment of Existing Rights
2. Assist in Contesting or Preserving Existing Rights
3. Assist in Acquiring New Water Rights

ENVIRONMENTAL LITIGATION

A. ENVIRONMENTAL COMPLIANCE LAW SUITS

1. Notify ELD of any Potential Suits or Service of Process
2. Prepare Litigation Report, upon Request of ELD

B. ENVIRONMENTAL DAMAGE SUITS

1. Notify Installation Claims Counsel and U.S. Army Claims Service
2. Assist Claims Attorney in Understanding Environmental Issues

C. POTENTIAL RESPONSIBLE PARTY NOTIFICATIONS

1. Advise ELD of any EPA or State Notifications
2. Assist in Assembling Records of Waste Shipments
3. Assist ELD, as Requested, in any Settlement Negotiations